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EXAMINER

SHAFFER, ERIC T

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/474,631

Applicant(s)

SAMRA ET AL.

Examiner

Eric Shaffer

Art Unit

2163

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Dec 11, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to the amendments filed December 11, 2003.

#### ***Summary Of Instant Office Action***

2. Applicant's arguments, filed December 11, 2003, concerning claims 1 - 20 in the Office Action mailed July 7, 2003, have been considered and deemed persuasive. The previous office action has been withdrawn and a new non-final office action is provided below.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 9 and 11 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thearling (US 6,240,411) in view of the article "Increasing Customer Value by Integrating Data Mining and Campaign Management software" by Kurt Thearling published in February 1999 and in further view of Lee et al (US 6,542,894).

As per claims 1, 8 and 19, the Thearling invention teaches a method of evaluating marketing campaign data, the data being in the form of database scores, stored procedures and multidimensional structures, said method comprising the steps of:

Art Unit: 2163

providing a plurality of analytic models including marketing models (column 14, lines 55 - 56, “the model library includes one or more models that can be used in evaluating a query in the campaign management function”);

evaluating the model combination using structures to discover where the model is under performing (column 6, lines 34 – 37, “the embodiment further includes a model evaluator, responsive to the selection criteria processor, to evaluate the model”);

evaluating a performance of the model combination over time (column 6, lines 34 – 37, “the embodiment further includes a model evaluator, responsive to the selection criteria processor, to evaluate the model”);

defining user trends (column 9, lines 17 – 18, “it may be desirable to save model scores so that a trend in the model score can be documented”).

The Threaling invention does not teach the use of gains charts and does not teach determining a sequential order for combining models.

The article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software”, Thearling teaches the application of data mining concepts (page 2) to marketing campaign management, including the creation of models (page 3) and model scoring (pages 2 and 3), maximizing profitability (page 8), and the use of “gains charts” in the area of data mining (pages 7 - 8).

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate gains charts into the Threaling invention because these elements provide additional means by which the results of the data mining can be displayed to and evaluated by the user of the Threaling invention. Threaling teaches that “a gains chart

Art Unit: 2163

suggests some benefits available though data mining” (Thearling article, page 7) because gains charts give a cumulative display of the results achieved by progressively increasing the number of people contacted during a marketing campaign. By calculating the net of revenue and cost, it is possible to see the results at different marketing campaign size and find the optimum size for a most profitable campaign.

Thearling and “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” in combination do not teach an ordering of two or more combined models.

Lee et al teaches (“data mining software”, column 1, line 6) used for (“collecting marketing data”, column 1, line 10). Lee teaches determine a sequential order for combining models (“how the models should be optimally combined and used”, column 1, lines 46 – 47) and using the combined models in determined sequential order to generate marketing campaign data (“a second example uses the data mining software to predict responses to communications, such as mailing lists”, column 11, lines 54 - 56), where mailing lists are marketing data used to send direct mail marketing materials to potential customers.

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate combining of models into the combined Thearling and “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” invention because these combined models produce results that are more accurate than any one of these models standing alone. Furthermore, it would be obvious to place these combined models in a specific order or sequence because one specific sequence of models may in fact be an

Art Unit: 2163

optimal sequence that is more effective than any other sequence of the same models and would therefore give a more accurate results set than any model presented alone.

5. As per claims 2, 9, 12 and 20 describes a system for evaluating marketing campaign data, said system comprising:

a customer database further comprising historical campaign results (column 9, lines 15 – 17, “Permit the score to be saved so that it could be used during subsequent evaluations), wherein saved scores from past events are inherently historical results;

a graphical user interface for presentation of trend analysis data (column 4, lines 57 – 59, “a graphical interface”);

wherein the targeting engine is configured to:

evaluate a performance of the model combination over time (column 6, lines 34 – 37, “the embodiment further includes a model evaluator, responsive to the selection criteria processor, to evaluate the model”);

define trends relating to the marketing campaign data (column 9, lines 17 – 18, “it may be desirable to save model scores so that a trend in the model score can be documented”).

Thearling does not teach gains charts, a measure of profitability or a combination of models.

The article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software”, Thearling teaches the application of data mining concepts (page 2) to marketing campaign management, including the creation of models (page 3) and model scoring (pages 2 and 3), maximizing profitability (page 8), and the use of “gains charts” in the area of data mining (pages 7 - 8). The article “Increasing Customer Value by Integrating Data Mining

Art Unit: 2163

and Campaign Management Software” also teaches the step of determining where profitability has been changing over time (page 4, “measure the profitability and return on investment of all ongoing campaigns”). Thearling also teaches a targeting engine embedded with a plurality of analytic models including marketing and risk models, the marketing models include at least one of a net present value/profitability model, a prospect pool model, a net conversion model, an attrition model, a response model, a revolver model, a balance transfer model, and a reactivation model, the risk models include at least one of a payment behavior prediction model, a delinquency model, a bad debt model, a fraud detection model, a bankruptcy model, and a hit and run model (Thearling article, page 4, “measure the profitability and ROI of all ongoing campaigns”);

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate gains charts and the measure of profitability taught by the Thearling article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” into the Thearling invention because these elements provide additional means by which the results of the data mining can be displayed to and evaluated by the user of the Thearling invention. “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” teaches that “a gains chart suggests some benefits available through data mining” (“Increasing Customer Value by Integrating Data Mining and Campaign Management Software” article, page 7) because gains charts give a cumulative display of the results achieved by progressively increasing the number of people contacted during a marketing campaign. By calculating the net of revenue and cost, it is possible to see the results at different marketing campaign size and find the optimum size for a most profitable campaign.

Art Unit: 2163

Threaling in combination with “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” do not teach determining an order for models to be combined in.

Lee et al teaches (“data mining software”, column 1, line 6) used for (“collecting marketing data”, column 1, line 10). Lee teaches determine a sequential order for combining models (“how the models should be optimally combined and used”, column 1, lines 46 – 47) and using the combined models in determined sequential order to generate marketing campaign data (“a second example uses the data mining software to predict responses to communications, such as mailing lists”, column 11, lines 54 - 56), where mailing lists are marketing data used to send direct mail marketing materials to potential customers.

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate combining of models into the Threaling invention because these combined models produce results that are more accurate than any one of these models standing alone. Furthermore, it would be obvious to place these combined models in a specific order or sequence because one specific sequence of models may in fact be an optimal sequence that is more effective than any other sequence of the same models and would therefore give a more accurate results set than any model presented alone.

6. As per claims 3 and 13, Thearling teaches a method and system wherein said step of defining user trends further comprises the step of determining where data has been changing over time (column 9, lines 17 – 18, “it may be desirable to save model scores so that a trend in the model score can be documented”). Thearling does not specifically teach a response rate changing over time.



Art Unit: 2163

The article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software”, Thearling teaches the application of data mining concepts (page 2) to marketing campaign management, including the creation of models (page 3) and model scoring (pages 2 and 3), maximizing profitability (page 8), and the use of “gains charts” in the area of data mining (pages 7 - 8), but does not teach a response rate.

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate profitability maximization, model scoring and gains charts because these items are old and well known in the art as measures of profitability segmentation that enable a marketer to know what products are most profitable to market toward which specific segments. Use of these items would allow for greater efficiency of use of limited marketing resources and would provide cost savings by eliminating the inefficient use of marketing funds that results when products are marketed toward inappropriate consumer audiences.

Threaling in combination with “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” do not teach the calculation and recording of response rates.

Lee et al does teach the calculation and recording of response rates (column 6, table 1, “% Resp”).

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate observed trends in data that are related to response rate because it would allow users of the device to determine why response rates are changing due to marketing factors such as seasonality and economic conditions. Such changes would be useful

Art Unit: 2163

to know of in order to adjust the distribution of marketing materials that are being responded to in order to have marketing materials sent at time or during economic conditions that have the highest response rates, thereby making the marketing more cost effective and efficient.

7. As per claims 4 and 14, Threaling teaches a marketing campaign management application that incorporates data mining application. It does not teach determining when a number of accounts are closed.

The article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” discloses a method and system wherein said step of defining user trends further comprises the step of determining where a number of accounts are closed (page 3, “Typical questions that Data Mining answers include: Which customers are most likely to drop their cell-phone service”), wherein dropping a service closes an account.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the number of accounts closed in a marketing campaign because this factor would reflect if the marketing campaign was generating profitable long-term prospects or merely short term prospects that will close an account after a short period of time with little revenue generated.

Threaling in combination with “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” do not teach the calculation and recording of response rates.

Lee et al does teach the calculation and recording of response rates (column 6, table 1, “% Resp”).

Art Unit: 2163

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate observed trends in data that are related to response rate because it would allow users of the device to determine why response rates are changing due to marketing factors such as seasonality and economic conditions. Such changes would be useful to know of in order to adjust the distribution of marketing materials that are being responded to in order to have marketing materials sent at time or during economic conditions that have the highest response rates, thereby making the marketing more cost effective and efficient.

8. As per claims 5 and 16, Thearling teaches a method and system wherein said step of evaluating the model combination is accomplished by creating history structures based on user defined attributes (column 9, lines 17 – 18, “it may be desirable to save model scores so that a trend in the model score can be documented”), where saved scores of events that occurred in the past constitutes history.

Threaling does not teach determining when a number of accounts are closed.

The article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” discloses a method and system wherein said step of defining user trends further comprises the step of determining where a number of accounts are closed (page 3, “Typical questions that Data Mining answers include: Which customers are most likely to drop their cell-phone service”), wherein dropping a service closes an account.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the number of accounts closed in a marketing campaign because this factor would reflect if the marketing campaign was generating profitable long-term prospects or merely

Art Unit: 2163

short term prospects that will close an account after a short period of time with little revenue generated.

Thearling in combination with “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” do not teach the calculation and recording of response rates.

Lee et al does teach the calculation and recording of response rates (column 6, table 1, “% Resp”).

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate observed trends in data that are related to response rate because it would allow users of the device to determine why response rates are changing due to marketing factors such as seasonality and economic conditions. Such changes would be useful to know of in order to adjust the distribution of marketing materials that are being responded to in order to have marketing materials sent at time or during economic conditions that have the highest response rates, thereby making the marketing more cost effective and efficient.

9. As per claims 6, 11 and 17, Thearling teaches a method and system wherein said step of defining user trends further comprises the step of analyzing a particular population segment (column 4, lines 12 - 15, “records with fields having an income of more than twenty five thousand dollars per year and an age of over 45”), where a specific income level and an age group are each demographics.

Thearling does not teach determining when a number of accounts are closed.

Art Unit: 2163

The article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” discloses a method and system wherein said step of defining user trends further comprises the step of determining where a number of accounts are closed (page 3, “Typical questions that Data Mining answers include: Which customers are most likely to drop their cell-phone service”), wherein dropping a service closes an account.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the number of accounts closed in a marketing campaign because this factor would reflect if the marketing campaign was generating profitable long-term prospects or merely short term prospects that will close an account after a short period of time with little revenue generated.

Threaling in combination with “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” do not teach the calculation and recording of response rates.

Lee et al does teach the calculation and recording of response rates (column 6, table 1, “% Resp”).

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate observed trends in data that are related to response rate because it would allow users of the device to determine why response rates are changing due to marketing factors such as seasonality and economic conditions. Such changes would be useful to know of in order to adjust the distribution of marketing materials that are being responded to in order to have marketing materials sent at time or during economic conditions that have the highest response rates, thereby making the marketing more cost effective and efficient.

Art Unit: 2163

10. As per claims 7 and 18, Thearling teaches a method and system wherein said step of evaluating a performance of the model combination over time further comprises the step of maintaining feedback (column 9, lines 19 - 20, “a mechanism to provide a feedback loop”) into a targeting engine (column 10, line 9, “data mining engine”) to improve subsequent modeling cycles (column 15, lines 61 – 62, “various modifications and improvements will readily occur”), wherein the purpose of feedback is to facilitate the improvement of a system.

Threaling does not teach determining when a number of accounts are closed.

The article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” discloses a method and system wherein said step of defining user trends further comprises the step of determining where a number of accounts are closed (page 3, “Typical questions that Data Mining answers include: Which customers are most likely to drop their cell-phone service”), wherein dropping a service closes an account.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the number of accounts closed in a marketing campaign because this factor would reflect if the marketing campaign was generating profitable long-term prospects or merely short term prospects that will close an account after a short period of time with little revenue generated.

Threaling in combination with “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” do not teach the calculation and recording of response rates.

Lee et al does teach the calculation and recording of response rates (column 6, table 1, “% Resp”).

Art Unit: 2163

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate observed trends in data that are related to response rate because it would allow users of the device to determine why response rates are changing due to marketing factors such as seasonality and economic conditions. Such changes would be useful to know of in order to adjust the distribution of marketing materials that are being responded to in order to have marketing materials sent at time or during economic conditions that have the highest response rates, thereby making the marketing more cost effective and efficient.

11. As per claim 15, Thearling teaches a method and system wherein said targeting engine is further configured to determine propensity of a customer to avail themselves to other products over time (column 1, lines 46 – 48 “records in a database of individuals corresponds to individuals who are likely to respond favorably to the targeted mailing”), wherein the favorable response to a mailing selling a product is a propensity to avail ones self to a new product.

Threaling does not teach determining when a number of accounts are closed.

The article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” discloses a method and system wherein said step of defining user trends further comprises the step of determining where a number of accounts are closed (page 3, “Typical questions that Data Mining answers include: Which customers are most likely to drop their cell-phone service”), wherein dropping a service closes an account.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the number of accounts closed in a marketing campaign because this factor would reflect if the marketing campaign was generating profitable long-term prospects or merely

Art Unit: 2163

short term prospects that will close an account after a short period of time with little revenue generated.

Thearling in combination with “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” do not teach the calculation and recording of response rates.

Lee et al does teach the calculation and recording of response rates (column 6, table 1, “% Resp”).

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate observed trends in data that are related to response rate because it would allow users of the device to determine why response rates are changing due to marketing factors such as seasonality and economic conditions. Such changes would be useful to know of in order to adjust the distribution of marketing materials that are being responded to in order to have marketing materials sent at time or during economic conditions that have the highest response rates, thereby making the marketing more cost effective and efficient.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thearling (US 6,240,411) in view of the article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” by Kurt Thearling published in February 1999 in further view of Lee et al and in further view of the book “Building Data Mining Applications for CRM” by Berson, Thearling and Smith published December 22, 1999.

The Thearling invention teaches a data mining device that uses models for accessing records in a database to select prospects for the planning of a marketing campaign.



Art Unit: 2163

Threaling does teach use of a database of historical records, but does not specifically make mention of OLAP.

The article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software”, Thearling teaches the application of data mining concepts to marketing campaign management, including the creation of models and model scoring, maximizing profitability, Return on Investment (ROI) and the use of gains charts. The article does not specifically make mention of OLAP.

Threaling in combination with “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” does not teach sequential ordering or OLAP.

Lee et al teaches (“data mining software”, column 1, line 6) used for (“collecting marketing data”, column 1, line 10). Lee teaches determine a sequential order for combining models (“how the models should be optimally combined and used”, column 1, lines 46 – 47) and using the combined models in determined sequential order to generate marketing campaign data (“a second example uses the data mining software to predict responses to communications, such as mailing lists”, column 11, lines 54 - 56), where mailing lists are marketing data used to send direct mail marketing materials to potential customers.

Threaling in combination with “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” and in combination with Lee does not teach OLAP.

The book “Building Data Mining Applications for CRM” teaches data warehousing and data mining concepts for use in the management of customer relationships. The book also, as per claim 10, teaches OLAP, as shown in the book table of contents, which recites “OLAP Tools”.

Art Unit: 2163

It would have been obvious to one of ordinary skill in the art of data mining at the time the invention was made to incorporate the OLAP Tools of the Berson, Thearling and Smith book with the Thearling patented invention, with the “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” article use of gains charts, profitability measures and with Lee because OLAP Tools permit a user to quickly navigate around large collected data sets, which would increase the speed with which the combined device would operate.

***Response to Amendments***

13. Applicant’s arguments filed November 27, 2002 have been fully considered, but the same are not persuasive.

a) Applicant argues that the two Thearling references do not teach combining models. However the addition of the Lee et al reference does teach combining models and measuring the effectiveness of the combination of models.

b) Applicant argues that the Thearling references do not teach evaluation of a model over time. However, the Thearling patent references does in fact teach “an evaluator” in the form of “SAS and SPSS described above are both general statistical tools that can be used to evaluate a model” (column 2, lines 33 - 38). SAS and SPSS are old and very well known tools in the art of statistical analysis used to perform time-series analysis, which is the analysis of any set of data over a period of time. Therefore, Thearling teaches the evaluation of a model with respect to time, within the applicants claimed definition of the word evaluate.

c) Applicant argues that the Thearling references do not teach marketing models that include one of a number of factors including profitability. However, the article “Increasing

Art Unit: 2163

Customer Value by Integrating Data Mining and Campaign Management Software” teaches a measure of ROI or return on investment, which is old and well known in the art of finance as a measure of profitability.

d) Applicant argues that the argument of obviousness is improper because there is no suggestion that the Threaling patent and the Threaling article “Increasing Customer Value by Integrating Data Mining and Campaign Management Software” is absent some teaching, suggestion or incentive supporting the combination. However, since both the patent and the cited article were both idea generated by the same person, this is sufficient reason to believe that the two ideas are in some meaningful way connected. Furthermore, both references address issues within the field of data mining and database modeling and scoring.

e) Applicant argues that the Berson / Threaling reference is not related to the two Threaling references. However, all of the references were authored or co-authored by Kurt Threaling, and all deal with the field of data mining. Furthermore, all of the references use database modeling as a means of performing marketing or customer relations management with the purpose of discovering new ways to market to existing customers or discover new customers for the existing marketing means. All of the references are related in that the same subject matter expert discusses many aspects of the same subject, namely using data mining in a marketing capacity.

Art Unit: 2163

***Conclusion***

14. Applicant's amendment necessitates the new ground(s) of rejection presented in this Office Action. Accordingly, THIS ACTION IS MADE FINAL. See MPEM 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The prior art made record of and not relied upon is considered pertinent to applicant's disclosure.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of final action.

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric Shaffer whose telephone number is (703) 305-5283. The Examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax number for the organization is (703) 305-0040/308-6306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 305-3900.

Eric Shaffer

February 20, 2003

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600